THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION Nos. 1429 and 14502 of 2006

COMMON ORDER: (Per the Hon'ble Smt. Justice T. Meena Kumari)

Writ Petition No. 1429 of 2006 is filed challenging the orders dated 29.9.2005 passed by the A.P. Administrative Tribunal in O.A.Nos. 6954 of 2004 and 1315 of 2005. W.P. No. 14502 of 2006 is filed challenging the order dated 29.9.2005 passed by the Tribunal in O.A. No. 1315 of 2005. Hence, both the writ petitions are disposed of by this common order.

One K. Srinivasa Rao filed O.A.No. 6954 of 2004 seeking to direct the respondents to consider his case for the post of Health Assistant strictly as per G.O.Ms.No. 273 dated 24.4.1989 by setting aside G.O.Ms.No. 352 dated 1.9.1992. He also filed O.A. No. 1315 of 2005 to direct the respondents to promote him as Health Assistant by setting aside the impugned proceedings dated 3.3.2005. After considering the material available on record, the Tribunal set aside the proceedings in Rc.No.6668/2002/F1 dated 3.3.2005 and directed the respondents-authorities to consider the claim of the applicant for appointment to the post of Health Assistant holding that he is qualified in accordance with the special rules contained in G.O.Ms.No. 273 dated 24.4.1989. Accordingly, the Tribunal allowed O.A. No. 1315 of 2005 and disposed of O.A. No. 6954 of 2004. Aggrieved by the same, the Government filed W.P. No. 1429 of 2006 and one V.V.D.V. Prasad filed W.P. No. 14502 of 2006, as stated above.

Heard the learned counsel for the parties and perused the order under challenge.

The main contention of the learned Government Pleader for Municipal Administration is that the respondent – K. Srinivasa Rao is not entitled for claiming promotion/appointment to the post of Health Assistant and as such the Tribunal erred directed the authorities to consider the claim of the applicant for appointment to the post of Health Assistant in accordance with the special rules. However, as the claim of the respondent – K. Srinivasa Rao is seeking appointment to the post of Health Assistant, we modify the order of the Tribunal to the extent that the case of the respondent – K. Srinivasa Rao be considered in accordance with the Rules.

The writ petitions are disposed of accordingly.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 07-06-2007.

MVB.